

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CARLOS BECERRA, )  
Petitioner, )  
v. ) CIVIL ACT. NO. 2:19-cv-679-ECM  
UNITED STATES OF AMERICA, ) (WO)  
Respondent. )

## **MEMORANDUM OPINION and ORDER**

On October 31, 2019, the Magistrate Judge entered a Recommendation (doc. 9) that this case should be transferred to the United States District Court for the Southern District of Texas, the court that entered Becerra’s convictions and sentence. (*Id.* at 2). On November 11, 2019, the Petitioner filed objections to the Recommendation. (Doc. 10). The Court has carefully reviewed the record in this case, including the Magistrate Judge’s Report and Recommendation, and the Petitioner’s objections, and the Court finds that the Objections are due to be overruled.

In the alternative, the Petitioner “MOVES for DISMISSAL under protest, pursuant to Rule 41 of the Civil Rules of Procedure.” (Doc. 10 at 3) (emphasis in original). Because this case is being transferred, the Court declines to rule on his motion.

Accordingly, it is

ORDERED that the Petitioner's Objections are OVERRULED, the Recommendation of the Magistrate Judge is ADOPTED, and this case is TRANSFERRED

to the United States District Court for the Southern District of Texas under 28 U.S.C. § 1631.

Done this 21st day of July, 2020.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE